

Application No. 10/671,733
Amendment dated December 12, 2006
Reply to Office Action of September 12, 2006

Docket No.: 3587-0112P

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REMARKS

Claims 8-22 are pending in this application.

Claims 18-22 have been added. Reconsideration of the application, as amended, is respectfully requested.

Claims 8 and 10-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Regele et al. (U.S. Patent 6,374,455). This rejection is respectfully traversed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Regele et al. This rejection is respectfully traversed.

The Examiner has re-interpreted the arrangement of the Regele et al. patent. In particular, in Figures 2 and 2a, the second member 25 or 25c is alleged to be the tubular member. The base is alleged to be the inner surface 82a. The external cylindrical member is alleged to be the flange 30 while the internal cylindrical member is the extending portion 27. In the Figure 2a embodiment, the Examiner noted a hinged member 40 but this number is not used in the specification of the patent.

In independent claim 8, a tubular receptacle is recited with a base, an external cylindrical member and an internal cylindrical member. As recited in this claim, the internal cylindrical member is spaced apart from and inside of said external cylindrical member. The element 27 is not inside of the element 30 of Regele et al. While the element 27 may have a smaller circumference, it is not inside the element 30 and thus, the Examiner's interpretation of the Regele et al. reference does not meet the claim limitations.

Independent claim 19 recites a tubular receptacle used for securing a first structure and a leg structure of furniture. This receptacle also has a base, an external cylindrical member and an internal cylindrical member. The internal cylindrical member is spaced from and inside of said external cylindrical member. At least this claimed feature is not found in the Regele et al. patent.

The dependent claims further distinguish the claimed invention. For example, dependent claim 11 and independent claim 19 both recite that the hinged member or free end is moved away from the internal cylindrical member or away from the central axis of the external cylindrical member upon insertion. The Examiner appears to ignore this limitation in stating that

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these are method limitations and are not given patentable weight. The Examiner, however, should consider every claim limitation. Moreover, these limitations are about the structure features of the claimed tubular receptacle. They are not found in the utilized prior art.

Dependent claims 18 and 20 recite the internal cylindrical member and the external cylindrical member are on a same side of the base. The elements 30 and 27 are on opposite sides of element 82a of Regele et al.

Nonetheless, it is respectfully submitted that independent claims 8 and 19 recite a tubular structure which is neither suggested nor rendered obvious by the utilized prior art. As such, the 35 USC 102(b) and 103 rejections should be reconsidered and withdrawn.

Moreover, the Examiner has mis-applied the Regele et al. patent to at least claim 8 which has NOT now been amended. If the Examiner is to persist in rejecting the claims, it would be improper to make the next Office Action a final rejection.

Nonetheless, such a rejection is not anticipated since the current claims should be allowable. In view of the above amendments and remarks, the pending application should be in condition for allowance. An early Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

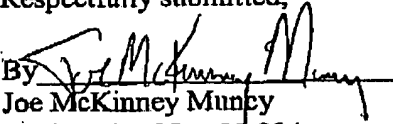
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 12, 2006

Respectfully submitted,

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